

Remarks

In response to the Examiner's observation that reference numerals 110 and 180 are not mentioned specifically in applicant's specification, it is noted that the amendments made to paragraphs 0033 and 0037 have been made herein to now include these reference numerals. Accordingly, there is no need to amend applicants' drawings which provide full support for these changes. The applicants' attorney wishes to thank the Examiner for pointing out this informality.

It is noted that the cited patent application (Published U.S. Patent Application No. 2003/0018926 A1) is assigned to the same assignee as the present invention and is therefore inapplicable as a basis for rejection under 35 USC § 103. It is further noted that the inventors of the present invention and the inventor of the cited patent application are colleagues, all of whom work for the common assignee in the adapter area. Accordingly, it should not be surprising to find similar language and similar descriptions. Lastly, it is noted that, should the Examiner find the characterizations of the cited patent application unpersuasive, the current applicants would also be able to supply an affidavit from Wen C. Chen himself, the inventor in the cited patent application.

As a general matter, the cited art and the claimed invention differ primarily in their treatment of running processes in the face of adapter errors. In the patent application to Chen (currently understood to have been allowed), running applications have to be restarted from scratch. This is understood from the following language found in the cited application:

“Upon completion of diagnostics, components remaining in open state are restarted on their communication windows at the adapter.”
[Abstract, last sentence. Emphasis added herein.]

“To accomplish this, the switch device driver must stop all send and receive requests and ioctls issued other than those from the diagnostics program.” [Column 2, paragraph 0027, second sentence. Emphasis added herein.]

“Windows (i.e., partitions) on the SP switch adapter must be closed to allow the diagnostics program to utilize and verify them.”
[Column 2, paragraph 0027, last sentence. Emphasis added herein.]

“The FSD [Fault Service Daemon] processes this request to close the service window and terminate the adapter thread. . . . From this time on all ioctl calls and send/receive requests will only be accepted from the diagnostics program. [Column 3, paragraph 0035, sentences 3 and 6. Emphasis added herein.]

“The device driver then unsets the ioctl_from_diag_only flag and broadcasts an adapter “up” event to let the FSD, IP and other open clients reopen their client windows on the adapter **610**. The FSD then calls the reset and load_μcode ioctls to bring in the adapter device driver microcode **620**. IP, FSD and other API clients in open status will open client windows on the adapter and restart I/O on their communication windows **630**.” [Column 3, paragraph 0036, sentence 2, 3 and 4. Emphasis added herein.]

It is thus clear that the cited document does not teach an adapter recovery process in which running applications can begin where they left off. Windows have to be restarted. In stark contrast, it is specifically recited in applicants’ claims that communication is disabled “so as to effectively cause suspension of, but not termination of, applications...” In further support of this difference, it is noted that in another one of applicants’ recited claim steps resumption of communication with an affected adapter is provided. In short, suspension and resumption in applicants’ claims is clearly distinguishable from the closure and restarting (from scratch) operations taught by the cited published patent application. Closure is not suspension and clearly distinguishes the two processes. Accordingly, it is seen that the rejection of applicants’ claims 1-6 under 35 USC § 102 based upon the cited patent application to Chen is improper. It is therefore respectfully requested that it be withdrawn.

It is noted that the present response does not require the payment of any additional fees.

Accordingly, it is now seen that all of the applicants' claims are in condition for allowance. Therefore, early notification of the allowability of applicants' claims is earnestly solicited. Furthermore, if there are any other matters which the Examiner feels could be expeditiously considered and which would forward the prosecution of the instant application, applicants' attorney wishes to indicate his willingness to engage in any telephonic communication in furtherance of this objective. Accordingly, applicants' attorney may be reached for this purpose at the numbers provided below.

Respectfully Submitted,

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Date

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